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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,727	12/08/2000	Kenneth F. Carpenter	UV-177	2492
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FISH & NEAVE IP GROUP			HOYE, MICHAEL W	
ROPES & GRAY LLP			ART UNIT	
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DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/733,727	Applicant(s) CARPENTER ET AL.	
	Examiner Michael W. Hoye	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/5/01 and 7/30/01</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “414” (see Fig. 7) has been used to designate both a moving highlight region and the “profiles” selection; also reference character “2700” (see Fig. 27) has been used to designate both the video or application display and the reminder overlay. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the Examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 162 (see Fig. 9), 402 (see Fig. 15), 2000 (see Fig. 21), 2800, 2895, 2820, 2840, 2860, 2880, 2890 (see Fig. 28), 3300 (see Fig. 33), and 4130 (see Fig. 41). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid

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abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the Examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: the paragraphs do not need to be numbered, in addition to, on page 52, line 9, "Fig. 160" should be --Fig. 16--; on page 53, line 14, reference character "1710" should be --2910--; on page 57, line 8, "features area 1500 (Fig. 15)" should be --features area 1550 (Fig. 16)--; on page 60, line 14, "FIGS. 36-44" should be --FIGS. 36-42--; on page 62, line 30, reference character "2710" should be --3710-; on page 64, line 13, reference character "4050" should be --4040--; and on page 64, line 24, reference character "4020" should be --4070--.

Appropriate correction is required.

The attempt to incorporate subject matter into this application by reference to several patent applications is improper because the references are not properly listed in the specification (see page 58, lines 16-17 and page 60, lines 5-6).

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Claim Objections

3. Claims 3, 20 and 37 are objected to because of the following informalities: the claims are identical to claims 2, 19, and 36 respectively, and should be either canceled or amended in order to distinguish them from the other claims. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-7, 9-11, 16, 18-24, 26-28, 33, 35-41, 43-45 and 50 are rejected under 35 U.S.C. 102(e) as being anticipated by Gagnon et al (USPN 6,522,342), cited by the Examiner.

As to claim 1, note the Gagnon et al reference which discloses a method for providing inter-resource features in an interactive television program guide system. The claimed receiving with the interactive television program guide a first indication to perform an inter-resource feature for a first resource having a first type is met by the electronic program guide main menu page 140 as shown in Fig. 2A, and more specifically by the schedule sub-page as shown in Fig. 14, where various resources or events may be displayed including television shows, software downloads, and other events. The resources may be displayed together or filtered (filter section 356). The user may also make a selection to perform an inter-resource feature by selecting a button such as the review 362 or the history 364 buttons (see col. 19, lines 10-33). The claimed

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providing with the interactive television program guide the inter-resource feature for the first resource is met by selecting the history button 364 or review button 362 for television programs as described above. The claimed receiving with the interactive television program guide a second indication to perform the inter-resource feature for a second resource of a second type, wherein the first and second types are different; and providing with the interactive television program guide the inter-resource feature for the second resource is met by selecting the history button 364 or review button 362 for software downloads as described above, moreover, the history selection may display past software downloads and television programs together (see col. 19, lines 31-33).

As to claim 2, the claimed receiving the first indication comprises receiving the first indication from a supported application; and receiving the second indication comprises receiving the second indication from a supported application is met by the application software executed by the PC (see col. 9, lines 39-44 and col. 25, lines 28-37).

As to claim 3, the claim language is the identical to the claim language of claim 2, and is therefore rejected on the same grounds as claim 2 above.

As to claim 4, the claimed receiving the first indication comprises receiving the first indication from a user input device; and receiving the second indication comprises receiving the second indication from a user input device is met by a keyboard or mouse that may manipulate a simulated remote control to navigate through the pages of the Graphical User Interface (GUI, see col. 24, line 45 – col. 25, line 46).

As to claim 5, the claimed inter-resource feature is an inter resource back feature is met by the “Back” button as shown in Fig. 21 (see col. 25, lines 16-27). The claimed receiving the

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first indication comprises receiving an indication to go back to the first resource is met by the section cited above in the Gagnon et al reference. The claimed receiving the second indication comprises receiving an indication to go back to the second resource; providing the inter-resource feature for the first resource comprises providing the first resource in response to the first indication; and providing the inter-resource feature for the second resource comprises providing the second resource in response to the second indication is met in-part by the Gagnon et al reference as previously described above, although the reference does not give explicit detail as to the functionality of the “Back” function as related to the claimed “second indication”, it is well known to those of ordinary skill in the art that a “Back” function would perform in the manner indicated in the language of the claim.

As to claim 6, the claimed receiving with the interactive television program guide an indication to go forward to the first resource; and providing with the interactive television program guide the first resource in response to the indication to go forward to the first resource is met by the “forward” function as shown in Fig. 21 (see col. 25, lines 16-27).

As to claim 7, the claimed inter-resource feature is an inter resource history feature is met by History button 364 as shown in Fig. 14. The claimed receiving the first indication comprises receiving an indication to access the inter-resource history feature; receiving the second indication comprises receiving an indication to access the inter-resource history feature; providing the inter-resource feature for the first resource comprises providing a history list of a plurality of resources that includes the first resource; and providing the inter-resource feature for the second resource comprises providing a history list of a plurality of resources that includes the second resource is met by col. 19, lines 31-45 and by the rejection in claim 1 as described above.

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As to claim 9, the claimed inter-resource feature is an inter-resource reminder feature is met by the schedule function link 160 as shown in Fig. 14, which serves as a reminder list for current and upcoming events that are scheduled for various resources such as television shows, pay-per-view (PPV) events, software downloads, etc. (see col. 19, lines 10-33). The claimed receiving the first indication comprises receiving an indication to schedule a reminder for the first resource, and providing the inter-resource feature for the first resource comprises providing a first reminder for the first resource is met by selecting a download button 268 for a particular software title, where they are presented with a set of choices for available to download date/times for that title, the download may be scheduled and a reminder of the scheduled download is listed as shown in the current and upcoming events display in Fig. 14 as described above, see for example the software download image listed for Thursday 12/18 at 11 PM, as well as the list of upcoming events in the column on the right of the screen (col. 16, lines 42-55). The claimed receiving the second indication comprises receiving an indication to schedule a reminder for the second resource, and providing the inter-resource feature for the second resource comprises providing a second reminder for the second resource is met in a similar manner as the software download as described above, where other events, including software downloads, PPV events, television shows, etc. may be scheduled and listed as reminders to the user as shown in Fig. 14 and as described above.

As to claim 10, the claimed method defined in claim 9, wherein the first reminder for the first resource and the second reminder for the second resource are provided in a combined reminder list is met as described above in claim 9 and as shown in Fig. 14, where multiple reminders of current and upcoming events may be shown and listed in the GUI display.

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As to claim 11, the claimed method defined in claim 9, wherein providing the first reminder for the first resource comprises providing features in the first reminder based on the first type; and providing the second reminder for the second resource comprises providing features in the second reminder based on the second type is met by providing features in each reminder based on the type of resource as shown in Fig. 14 and as described above in claim 9, where a resource such as a software download is represented by a computer icon or image in the listing, a timer event/resource is represented by a clock image, and a PPV event/resource is represented by a film strip image.

As to claim 16, the claimed receiving an indication to provide an extras display; providing the extras display in response to the indication, wherein the extras display includes one or more inter-resource features; receiving an indication for an inter-resource feature of the one or more inter-resource features; and providing the indicated inter-resource feature of the one or more inter-resource features is met by the various remote control on screen displays as shown in Fig. 21 for example and as described above in claim 1, which includes one or more inter-resource features such as "BACK" and "FORWARD" buttons.

As to claims 18-24, 26-28 and 33, the claims are rejected based on similar grounds as the rejection of claims 1-7, 9-11 and 16, respectively.

As to claims 35-41, 43-45 and 50 the claims are rejected based on similar grounds as the rejection of claims 1-7, 9-11 and 16, respectively.

Claim Rejections - 35 USC § 103

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8, 12-13, 25, 27-28, 42 and 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gagnon et al.

As to claim 8, the claimed receiving an indication of a particular resource of the history list is met by selecting the history button 364 as shown in Fig. 14, which allows the user to review past software downloads and television programs that have been selected or viewed (see col. 19, lines 31-33). The Gagnon et al reference does not explicitly disclose the claimed, “providing the resource in response to the indication.” However, the Examiner takes Official Notice that it is notoriously well known in the art of interactive video distribution and computer networks to provide a resource in response to a selection made from a history list for the advantage of allowing a user to re-access a web-site, television program, software download, or other resource that the user had previously selected in the past. Therefore, it is submitted that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to provide the resource in response to the indication for the advantage given above.

As to claim 12, the claimed inter-resource feature is an inter-resource favorites feature is met in part by a user’s selected favorite channels or a “favorites” list (see Figs. 2B, 12 and col. 23, line 52 – col. 24, line 7). The claimed receiving the first indication comprises receiving an indication to make the first resource a favorite resource; receiving the second indication comprises receiving an indication to make the second resource a favorite resource; providing the

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inter-resource feature for the first resource comprises including the first resource in a favorites list; and providing the inter-resource feature for the second resource comprises including the second resource in the favorites list is met in part by Gagnon as described above. The Gagnon et al reference does not explicitly disclose making resources other than television channels a favorite resource, as related to the claimed "second resource". However, the Examiner takes Official Notice that it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the capability of making a second or different type of resource a favorite resource as well, and including the second resource in the favorites list for the advantage of allowing a user to keep track of additional favorite resources other than just television channels or programs, and consolidating the favorites list of different types of resources into a single combined list in order to provide a single list for convenience to a user.

As to claim 13, the claimed method defined in claim 12, further comprising providing the first resource in response to an indication to provide the first resource is met by col. 23, line 52 – col. 24, line 7 of the Gagnon reference as described above.

As to claims 25 and 27-28, the claims are rejected based on similar grounds as the rejection of claims 8 and 12-13, respectively.

As to claims 42 and 44-45, the claims are rejected based on similar grounds as the rejection of claims 8 and 12-13, respectively.

8. Claims 14-15, 17, 31-32, 34, 48-49 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gagnon et al, in view of Youman et al (USPN 5,629,733), cited by the Applicants.

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As to claims 14 and 15, the Gagnon et al reference discloses an inter-resource feature as described above. Gagnon does not explicitly disclose an inter-resource parental control feature...as claimed. However, the Youman et al reference teaches an electronic television program guide schedule system and method for use with different resources that further teaches the use of a parental control feature (see Figs. 7, 30, 39-40B, and 41). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the method of providing inter-resource features in an interactive television program guide as disclosed in the Gagnon et al reference with the additional teachings of parental control features as taught by the Youman et al reference for the advantage of providing limited or restricted access to objectionable content as determined by other individuals such as parents, guardians or other adults. One of ordinary skill in the art would have been led to make such a modification since parental control features, including v-chip technology, is well known in the art of interactive video distribution systems, and more specifically interactive television program guide technology, in order to provide parents better control over the content and material that their children may be viewing by providing additional filtering or blocking of unwanted content.

As to claim 17, the claimed receiving an indication to search resources; receiving an indication of one or more target resources; receiving user search criteria; searching the one or more target resources according to the search criteria; and providing the results of the search is not explicitly disclosed by the Gagnon et al reference. However, the Youman et al reference teaches an electronic television program guide schedule system and method for use with different resources that further teaches the use of a search resources functionality as shown in Figs. 38D, 38E and 38F. Therefore, it would have been obvious to one of ordinary skill in the art

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at the time of the invention to have combined the method of providing inter-resource features in an interactive television program guide as disclosed in the Gagnon et al reference with the additional teachings of a search feature as taught by the Youman et al reference for the advantage of providing a user with the option of searching according to user specified criteria and providing the user with the results of the search. One of ordinary skill in the art would have been led to make such a modification since receiving user search criteria is well known in the art of interactive video distribution systems, and more specifically interactive television program guide technology, in order to provide users with the additional benefits of using their own search criteria to find specific resources.

As to claims 31-32 and 34, the claims are rejected based on similar grounds as the rejection of claims 14-15 and 17, respectively.

As to claims 48-49 and 51, the claims are rejected based on similar grounds as the rejection of claims 14-15 and 17, respectively.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Alexander et al (USPN 6,177,931 B1) – Discloses systems and methods for displaying and recording control interface with television programs, video, advertising information and program scheduling information.

Anderson et al (USPN 6,219,042 B1) – Discloses a terminal with a television mode and an Internet mode.

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Finseth et al (US 2005/0028207 A1) – Discloses a method and apparatus for sharing viewing preferences.

Finseth et al (US 2004/0158857 A) – Discloses an electronic television program guide.

Hendricks et al (USPN 6,515,680 B1) – Discloses a set top terminal for television delivery system with interactive program guide displays.

Macrae et al (US 2003/0208756 A1) – Discloses a method and system using an EPG.

Ward et al (US 2005/0010949 A1) – Discloses a system and method involving EPG information.

Ward, III et al (USPN 6,756,997 B1) – Discloses systems and methods for displaying and recording control interface with television programs, video, advertising information and program scheduling information.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Michael W. Hoye whose telephone number is (703) 305-6954 until March 2, 2005, or (571) 272-7346 after March 2, 2005. The Examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Miller, can be reached at (703) 305-4795 until March 2, 2005 or (571) 272-7353 after March 2, 2005.

Any response to this action should be mailed to:

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Or after March 2, 2005

Knox Building
501 Dulany Street
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **(571) 272-2600**.

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Michael W. Hoyer

February 22, 2005

A handwritten signature in black ink, appearing to read 'J. Miller', with a stylized, flowing script.

JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600